

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

DEBBIE L. TREZVANT, TIMOTHY CAHILL, DEBORAH CHERYL ARCH, and MARY-CATHERINE PICHE, each of them individually and on behalf of all others similarly situated and similarly situated current and former employees of Defendant

Plaintiffs,

v.

FIDELITY EMPLOYER SERVICES CORPORATION, FIDELITY EMPLOYER SERVICES COMPANY, LLC, and FMR CORP.,

Defendants.

Case No. 05-10673 (WGY)

**APPENDIX OF NON-PUBLISHED CASES, STATUTES, AND TREATISES**

Plaintiffs hereby submit this Appendix of non-published cases, statutes, and treatises in support of their Opposition to Defendants' Motion to Dismiss or Strike Count II of the First Amended Complaint.

- A. Johansen v. United States v. National City Mortgages Company, 2005 WL 2356913 (D. Mass.)
- B. Ashby v. Farmers Insurance Company of Oregon, 2004 WL 2359968 (D. Or.)
- C. Loy v. Motorola, Inc., 2004 WL 2967069 (N.D. Ill.)
- D. Ladegaard v. Hard Rock Concrete Cutters, Inc., 2000 WL 1774091 (N.D. Ill.)
- E. Frank v. Gold'n Plump Poultry, Inc., 2005 WL 2240336 (D. Minn.)

- F. Goldman v. Radioshack Corporation, 2003 WL 21250571 (E.D. Pa.)
- G. Harper v. Yale International Insurance Agency, Inc., 2004 WL 1080193 (N.D. Ill.)
- H. Mascol v. E&L Transportation, Inc., 2005 WL 1541045 (E.D.N.Y.)
- I. Trotter v. Perdue Farms, Inc., 2001 WL 1002448 (D. Del.)
- J. O'Brien v. Encotech Construction, 2004 WL 609798 (N.D. Ill.)
- K. Karpowicz v. General Motors Corporations, 1997 WL 285943 (N.D. Ill.)
- L. N.H. Code Admin. R. Ann. 803.05 (2005)
- M. 10 Newberg on Class Actions Appendix IX-F (4<sup>th</sup> ed.)

/s/  
Thomas E. Kenney (BBO No. 516590)  
Pierce & Mandell, P.C.  
11 Beacon Street, Suite 800  
Boston, MA 02108  
(617) 720-2444

Ira Spiro (CA State Bar No. 67641)  
Rebecca J Sobie (CA State Bar No. 179562)  
Spiro Moss Barness Harrison & Barge LLP  
11377 W. Olympic Blvd., 5<sup>th</sup> Floor  
Los Angeles, CA 90063-1683  
(310) 235-2468

Charles Joseph (NY State Bar No. CJ-9442)  
Diane Hester  
Joseph & Herzfeld LLP

Date: October 31, 2005